IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 62 OF 2005

Janardhan Karbhari Jadhav. ... Appellant.
Versus.
Abdul Kadar Mehmad Husein & 4 ors. ... Respondents.

Shri Kishore Patil i/by Shri Pramod N.Joshi for the Appellant.

CORAM : ABHAY S. OKA, J.
DATED : 15th March, 2005.

P.C.:

1. The appeal is filed by the Appellant/Plaintiff taking exception to the order dated 18th July 1996 by which the Application made by the Appellant/Plaintiff for temporary injunction at Exh.5 has been rejected by the learned trial Judge. It is not in dispute that from 18th July 1996 there is no interim order operating in favour of the Appellant.

2. Grant of temporary injunction is discretionary and therefore, after lapse of such a long time it will not be proper to interfere with the discretionary order passed by the learned trial Judge. Hence the Appeal is dismissed with no order as to costs.

3. All contentions of the parties on merit are kept open. If the suit is still pending the learned trial Judge will decide the same as expeditiously as possible.

4. Parties to act on an authenticated copy of this order.

Judge.